

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

GIOVANNI J. PINON,

Plaintiff,

v.

JAMES DZURENDA, *et al.*,

Defendants.

Case No. 3:23-cv-00365-MMD-CLB

ORDER

Plaintiff previously filed an application to proceed *in forma pauperis* and submitted a civil rights complaint under 42 U.S.C. § 1983 ("Complaint"). (ECF Nos. 1-1, 4.) The Court screened the Complaint, dismissed the Complaint in its entirety, and granted Plaintiff leave to amend. (ECF No. 5.) Plaintiff now moves for "leave to withdraw" the case without prejudice. (ECF No. 9.)

The Court interprets Plaintiff's "leave to withdraw without prejudice" as a motion to voluntarily dismiss this case. (See *id.*) Under Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Plaintiff's motion to voluntarily dismiss this action because no responsive pleading has been filed in this case.

It is therefore ordered that the motion to withdraw without prejudice (ECF No. 9), construed as a motion for voluntary dismissal, is granted.

It is further ordered that this action is dismissed in its entirety without prejudice.

The Clerk of Court is further directed to close this case.

DATED THIS 23rd Day of February 2024.


MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE